

REMARKS

A petition to extend the time for response by two (2) months is enclosed herewith.

Claims 12 and 20 have been amended. Claims 23 – 28 have been cancelled. A new independent claim 29 and new dependent claims 30 - 34 ultimately depending from claim 29 have been added. Claims 9 – 22 and 29 - 34 are currently pending.

In the Office Action, claims 12, 20, and 25 – 28 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Further in the Office Action, claims 9-11, 16, 18, 19, 23, and 24 are rejected under 35 U.S.C. §102(b) as anticipated by US Patent No. 6,153,837 to Garcia et al. also, in the Office Action, claims 12, 13, 15, 17, 20, 21, 25, and 26 are rejected under 35 U.S.C. §103(a) over US Patent No. 6,153,837 to Garcia et al in view of US Patent No. 4,691,659 to Ito et al or US Patent No. 3,639,705 to Rayner. Additionally, in the Office Action, claims 14 and 22 are rejected under 35 U.S.C. §103(a) over US Patent No. 6,153,837 to Garcia et al in view of US Patent No. 6,433,777 to Sawyer. Furthermore, in the Office Action, claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia et al US Patent No. 6,153,837 in view of Ito et al US Patent No. 4,691,659 or Rayner US Patent No. 3,639,705 and further in view of Molyneaux US Patent No. 2,764,663 or Turner US Patent No. 3,064,091.

With regard to the rejection of claims 12, 20, and 25 – 28 under 35 U.S.C. §112, second paragraph, as being indefinite, it is respectfully submitted that this rejection is now overcome in view of the amendment of claims 12 and 20 and the cancellation of claims 25 – 28.

With regard to the rejection of the claims in view of the prior art, favorable reconsideration is respectfully requested in view of the following comments.

US Patent No. 6,153,837 to Garcia et al appears to disclose a control knob 13 but it does not appear that this device includes the capability to actuate "at least one additional actuation mode" as recited in claim 1 of the present application. The Examiner asserts that US Patent No. 6,153,837 to Garcia discloses an actuation member (presumably the control knob 13) that performs at least two actuation modes. However, US Patent No. 6,153,837 to Garcia merely discloses that its control knob 13 can select one of a variety of initial actuation modes and does not provide any capability to select "at least one additional actuation mode" such as is provided by the device of the present invention.

US Patent No. 6,153,837 to Garcia et al discloses a control knob 13 movable along an axis 17 and the control knob 13 can be turned into one of four selection positions 19.

It is respectfully submitted that Garcia et al '837 fails to teach or disclose the feature of a sensor unit associated with an actuation element for sensing a plurality of actuation modes and an additional actuation mode of the actuation element, as recited in claim 9 of the present application. In the arrangement disclosed in Garcia et al '837, the control knob 13 can be turned to activate an actuation mode and a microswitch 45 evaluates the turning movement of the control knob 13 to determine the selected actuation mode. However, the sensor unit of Garcia et al '837 comprising the microswitches 45 is not operable to sense an additional actuation mode such as, for example, an additional actuation mode to trigger a parboil surge of a selected cooking location. Instead, the control


knob 13 of Garcia et al '837 is repeatedly tilted in the same movement path to incrementally increase the temperature of the selected cooking location (see, for example, Column 5, lines 25 – 31, of Garcia et al '837).

It is also respectfully submitted that none of the other cited references US Patent No. 4,691,659 to Ito et al, US Patent No. 3,639,705 to Rayner, or US Patent No. 6,433,777 to Sawyer overcome the deficiencies of Garcia et al '837. Additionally, neither of Molyneaux US Patent No. 2,764,663 nor Turner US Patent No. 3,064,091 teach or disclose an actuation element such as that of the present invention that can actuate a plurality of actuation modes by movement of the actuation element as a "toggle lever" and, further, that includes a "push button" feature for actuating an additional actuation mode. Accordingly, it is submitted that claim 9 of the present application, and claims 10 – 15 depending ultimately therefrom, patentably define over the prior art of record and are allowable. Additionally, it is submitted that claim 16 of the present application, and claims 17 - 22 depending ultimately therefrom, all patentably define over the prior art of record for the same reasons as discussed hereinabove with respect to claim 9 and are allowable.

It is also submitted that new claims 29 – 34 patentably define over the prior art of record and allowance of these new claims is respectfully solicited as well.

In view of the above, allowance of Claims 9 – 22 and 29 - 34 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned.

Respectfully submitted,


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